

PATENT APPLICATION
RESPONSE AFTER FINAL REJECTION
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 2853

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Akiko NIIMI

Group Art Unit: 2853

Application No.: 10/790,196

Examiner: L. NGUYEN

Filed: March 2, 2004

Docket No.: 118891

For: PRINTING DEVICE

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Claims 1, 3-5 and 7-19 are pending. In reply to the November 28, 2006 Office Action, reconsideration of the rejections is respectfully requested at least in light of the following remarks.

I. JP 11066703A to Tanaka et al.

Applicants respectfully note that the Final Rejection failed to provide a full English translation of Tanaka to support its assertion that Tanaka discloses a device that includes a medium conveyance section in the Abstract and as shown in Figs. 4 and 5, as requested in the October 30, 2006 Amendment. As previously discussed in the October 30, 2006 Amendment, MPEP §706.02II states that "when an Abstract is used to support a rejection, the evidence relied upon is the facts contained in the Abstract, not additional facts that may be contained in the underlying full text document." The description of Figs. 4 and 5 is not included in the Abstract of Tanaka, but in the full text of Tanaka. Because Tanaka is in a

language other than English and the Examiner seeks to continue to rely on the document (not just the Abstract), the Examiner must have provided a full English translation of Tanaka in this Final Rejection so that the precise facts the Examiner is relying upon in support of the rejection is clear. Applicants respectfully assert that the finality of the present rejection is improper because the present rejection is unsupported by a translation as required by MPEP §706.02II. Without a translation, Applicants cannot effectively respond to the rejection. Further, Applicants request that a full English translation of Tanaka is provided in the Next Office Action.

II. The Claims Define Patentable Subject Matter

A. *§103(a) Rejection of Claims 1, 3, 7-9, 10, 11, 14-16 and 17-19*

The Office Action rejects claims 1, 3, 7-9, 10, 11, 14-16 and 17-19 under 35 U.S.C. §103(a) over U.S. Patent No. 6,095,628 to Rhome in view of JP 11066703A to Tanaka et al. (Tanaka). The rejection is respectfully traversed.

Rhome and Tanaka, alone or in a permissible combination, do not teach or suggest the features of independent claims 1, 10 and 17. Specifically, neither of the applied references teaches or suggests a printing device that includes "the medium conveyance section is at a second position so as to project partially from the first side of the fixed side structure, when workpiece is set on, or removed from, the medium conveyance section; and wherein during a printing operation onto the workpiece, the medium conveyance section is controlled so as to move along the length from the second position where it projects partially from the first side of the fixed side structure to a third position where it projects partially from the second side, and then return again to the second position where it projects partially from the first side," as recited in independent claim 1, and as similarly recited in independent claims 10 and 17 (emphasis added).

Rhome merely discloses an apparatus wherein the flat platen 16 only projects from one side of the housing 12, i.e., the alleged first position. The housing 12 of Rhome does not

have an opening on the opposite side, i.e., the second side, of the housing 12 (Rhome, Figs. 5 and 6). Accordingly, the platen 16 of Rhome could not project from the second side of the housing 12. Thus, Rhome does not disclose the claimed third position, i.e., where the medium conveyance section projects partially from the second side.

Further, Tanaka does not remedy the deficiencies of Rhome. Tanaka is only cited by the Office Action for its alleged teaching of a medium conveyance section that is positioned within the length of the fixed side structure, when a power supply to the device is in an off state. Tanaka does not disclose a printing device that includes a fixed side structure and a medium conveyance section that moves to a second position and third position of a fixed sided structure. Thus, Tanaka does not remedy the deficiencies of Rhome.

Finally, one of ordinary skill in the art would not have been motivated to combine the alleged teachings of Tanaka with the apparatus of Rhome. Rhome relates to ink printing apparatus with an opening for the platen 16 where the working surface is placed (Rhome, Abstract and col. 3, lines 40-50). Tanaka relates to a disk device (Tanaka, Abstract). Thus, one of ordinary skill in the art would not have been motivated to combine the alleged teachings of Tanaka with the ink printing apparatus of Rhome.

Thus, for at least these reasons, independent claims 1, 10 and 17 are patentable over Rhome and Tanaka. Further, claims 3, 7-9, 10, 11, 14-16 and 17-19, which variously depend from claims 1, 10 and 17, are also patentable over Rhome and Tanaka, for at least the reasons discussed above with respect to claims 1, 10 and 17, as well as for the additional features they recite. Withdrawal of the rejection is respectfully requested.

B. *§103(a) Rejection of Claims 4, 5, 12 and 13*

The Office Action rejects claims 4, 5, 12 and 13 under 35 U.S.C. §103(a) over Rhome in view of Tanaka and further in view of U.S. Patent No. 6,580,444 to Drynkin et al. (Drynkin). This rejection is respectfully traversed.

Rhome, Tanaka and Drynkin, alone or in a permissible combination, do not teach or suggest the features of claims 4, 5, 12 and 13. Drynkin does not remedy the deficiencies of Rhome and Tanaka discussed above with respect to claims 1 and 10. Drynkin is only cited by the Office Action for its alleged teaching of a cover. Claims 4 and 5 depend from claim 1 and claims 12 and 13 depend from claim 10. Thus, claims 4, 5, 12 and 13 are patentable over Rhome, Tanaka and Drynkin for at least the reasons discussed above with respect to claims 1 and 10, as well as for the additional features they recite. Withdrawal of the rejection is thus respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:RBI/hms

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